

OPINION
56-93

May 22, 1956 (OPINION)

PENITENTIARY

RE: Inmates - Right of Escapee to Discharge Pay

In your letter of May 18, 1956, you request an opinion as to whether an inmate of the Penitentiary who has completed his original sentence but is now serving a sentence for escape, which sentence commenced immediately upon completion of the prior sentence, is entitled to discharge pay under the terms of section 12-4731 of the Code. The pertinent part of that statute provides as follows:

"Every person committed to the penitentiary, when discharged, shall be provided with a decent suit of clothes, a sum of money not to exceed five dollars, and transportation to the place where he received sentence."

The Legislature, in adopting the above statute, clearly intended to provide some means of rehabilitation for prisoners being set free. The statute does not contemplate a mere technical discharge, where the inmate remains within the confines of the penitentiary. Thus it is our view that the statutory words "when discharged", as they apply to this case, mean when finally discharged. To construe the statute otherwise would be to place a premium on escape.

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Attorney General